

DOCKET NO.: CSKL0005-100

PATENT-DRAFT

Remarks

Applicants have cancelled claims 1-5 without prejudice. Applicants have added claims 6-24. Support for the claims can be found in the specification as filed. No new matter has been added. Upon entry of this amendment claims 6-24 will be pending.

The Examiner has mistakenly restricted claims 1-5 into 2 groups. Group I contains claims 1-3 drawn to a method of stabilizing pyrene actin. Group II contains claims 4-5 drawn to a formulation that requires the presence of a specific buffer and a method of reconstituting lyophilized pyrene actin. Applicants elect Group I with traverse.

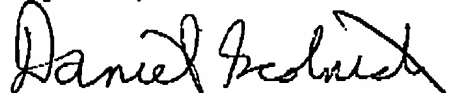
Even if the Examiner still considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates two criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. For purposes of initial requirement, a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, the Examiner has not met the prima facie burden. Indeed, the Examiner has not shown separate status in the art, a requirement for a different field of search, separate classification, or any other reason why the claims cannot be grouped together. The Examiner has only stated that "Inventions I and II are distinct" without providing any supporting evidence. Accordingly, all pending claims should be examined in the present application without restriction.

Claims 6-22 would correspond to group I. Although Applicants respectfully believe that an election of species is no longer necessary in view of the amended claims, Applicants elect the process in which the concentration of pyrene actin is required prior to lypohilization. Elections relating to (b), (c) and (d) as set forth on page 3 of the office action are believed to moot in view of the amendments to the claims. However, in the event the elections are not moot, Applicants elect the concentration of pyrene actin is 0.2 to 40 mg/ml (b); presence of the reducing agent (c); and the reducing agent is DTT at a concentration of 10 mM (d).

DOCKET NO.: CSKL0005-100**PATENT-DRAFT****Conclusion**

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. In addition, Applicants submit that, at a minimum, claims 6-24 must be considered in the present application without restriction.

Respectfully submitted,



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